



# Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson  
Ellen Nowak, Commissioner  
Tyler Huebner, Commissioner

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December 4, 2020

**SENT VIA E-FILING\*\***

Magistrate Judge Stephen L. Crocker  
U.S. District Court  
Western District of Wisconsin

Re: Case No. 2019-cv-1007-wmc, Response to Order No. 163

Dear Magistrate Crocker:

Defendants Rebecca Valcq and Michael Huebsch respond to your November 30, 2020 Text Only Order Number 163 as follows:

1. Defendants do not oppose postponement of the trial. Defendants have maintained throughout this litigation that no discovery or other proceedings should have occurred until Defendants' motion to dismiss based on their immunity defenses was resolved. Defendants have now filed an interlocutory appeal of the District Court's partial denial of Defendants' motion to dismiss and believe that District Court proceedings must be stayed while that appeal is decided. Because the District Court denied Defendants' request for a stay, Defendants today filed a motion with the Seventh Circuit requesting that the appellate court stay all District Court proceedings pending resolution of the appeal. A copy of that motion is attached.
2. Defendants could make any of the dates offered by the Court work for trial, assuming the appeal has been resolved, the case has not been dismissed altogether, and all necessary pre-trial proceedings have been completed by then.
3. Assuming the appeal is resolved by that time, and the case has not been dismissed, Defendants' preference is for the earliest available trial date and thus would prefer the dates offered by the Court in the following order: July 12, August 2, August 9, and August 16, 2021.

Sincerely,

/s/ Zachary Peters

Zachary J. Peters

Enclosure